

REMARKS

The Applicant has carefully reviewed the Office Action mailed October 20, 2003 and makes the foregoing amendments and following remarks in response thereto. Claims 1–43 are canceled without prejudice to the underlying subject matter, and claims 44–61 are added. Support for new claims 44–61 may be found within the Specification, generally, on Pages 4–34, and within Figures 1–3. No new matter has been added. Thus, claims 44–61 are pending.

Claims 1–14, 16–19, 21–28 and 30–41 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,826,244 to Huberman ("Huberman"). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Huberman in view of U.S. Patent No. 6,041,308 to Walker et al. Claims 20, 29 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Huberman in view of U.S. Patent No. 6,604,089 to Van Horn et al. The Applicant canceled claims 1–43, thereby rendering these rejections moot.

The Applicant respectfully submits that new claims 44–61 are allowable over the cited references, and respectfully requests that the Examiner withdraw the pending § 102 and § 103 rejections and issue a notice to that effect.

New Claims 44–61 Are Allowable Over the Cited References

Claim 44 is directed to a method for transacting multi-party electronic commerce over a network, and recites, in pertinent part, "creating a plurality of hierarchical offers based on the plurality of atomic offers, the plurality of hierarchical offers including at least one first-level offer including at least one of the plurality of atomic offers, and at least one second-level offer including the first-level offer and at least one of the plurality of atomic offers not included within the first-level offer," "matching the counter offer to one of the plurality of hierarchical offers to create a zero-sum offer," and "closing the zero-sum offer." Claims 50 and 56, directed to a computer-readable medium and a system, respectively, recite similar subject matter. The Applicant respectfully submits that none of the cited references disclose these features.

Huberman is directed to a system for auctioning document services over a network. Huberman discloses that a customer provides a description of a desired document service (e.g., printing, scanning, reproduction, etc.) to a broker, who then conducts a brokered auction among various participating suppliers. The winning supplier then provides the document

service at the agreed-upon price. *See, e.g.,* Abstract; Cols. 3:40–60, Col. 4:45–67, Col. 10:6–22; FIGS. 3a, 3b, 4a and 4b.

Huberman discloses that a document service request may include various descriptive details, such as number of copies, size and paper quality, etc., but fails to teach or suggest that multiple document service requests, or “offers,” may be aggregated into a multi-level, hierarchical structure. Rather, Huberman teaches that a single document service request is generated by the customer and bid upon by various suppliers. *See, e.g.,* Col. 10:6–22. Consequently, Huberman fails to disclose “creating a plurality of hierarchical offers based on the plurality of atomic offers, the plurality of hierarchical offers including at least one first-level offer including at least one of the plurality of atomic offers, and at least one second-level offer including the first-level offer and at least one of the plurality of atomic offers not included within the first-level offer,” as recited by claims 44, 50 and 56.

Huberman also fails to disclose that a supplier’s bid may be matched to one of the document service requests to create a zero-sum request, or “zero-sum offer.” Instead, Huberman teaches that participating suppliers bid upon a single document service request, and the lowest bidding supplier, also satisfying the reservation price (if specified), wins the auction. *See, e.g.,* Col. 11:25–50. Accordingly, Huberman fails to disclose “matching the counter offer to one of the plurality of hierarchical offers to create a zero-sum offer” and “closing the zero-sum offer,” as recited by claims 43, 49 and 55. Furthermore, Walker, directed to a conditional purchase offer management system and Van Horn, directed to an online buying group system, fail to provide the missing subject matter. Consequently, the Applicant submits that none of references cited by the Examiner teach or suggest the features recited by claims 44, 50 and 56, either singly or in combination.

Accordingly, claims 44, 50 and 56 are allowable over the cited references. Claims 45–49, depending from claim 44, claims 51–55, depending from claim 50 and claims 57–61, depending from claim 56, are also allowable, at least for the reasons discussed above. Consequently, the Applicant respectfully requests that the Examiner reconsider and withdraw the pending § 102 and § 103 rejections and issue a notice to that effect.

CONCLUSION

In view of the amendments and remarks submitted above, the Applicant respectfully submits that the present case is in condition for allowance. A notice to that effect would be greatly appreciated.

The Examiner is invited to contact the undersigned at (202) 220-4250 to discuss any matter concerning this application.

The Office is authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

A handwritten signature in black ink, appearing to be 'G. Morris', written over a horizontal line.

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